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**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**  
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>PE521</b>	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. <b>PCT/IB 03/01160</b>	International filing date ( <i>day/month/year</i> ) <b>25.03.2003</b>	Priority date ( <i>day/month/year</i> ) <b>28.03.2002</b>
International Patent Classification (IPC) or both national classification and IPC <b>F16M1/00</b>		
Applicant <b>CPS COLOR EQUIPMENT S.P.A. et al.</b>		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 5 sheets, including this cover sheet.

- ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this report (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand  <b>04.09.2003</b>	Date of completion of this report  <b>28.06.2004</b>
Name and mailing address of the international preliminary examining authority:   <b>European Patent Office</b> <b>D-80298 Munich</b> <b>Tel. +49 89 2399 - 0 Tx: 523656 epmu d</b> <b>Fax: +49 89 2399 - 4465</b>	Authorized Officer  <b>Rochus, J</b>  Telephone No. +49 89 2399-8913  

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/IB 03/01160

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-11 as originally filed

**Claims, Numbers**

1-13 filed with telefax on 18.03.2004

**Drawings, Sheets**

1/7-7/7 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language, which is:

- ☐ the language of a translation furnished for the purposes of the international preliminary examination (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 40.2).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/B 03/01160**

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-11
	No: Claims	12,13
Inventive step (IS)	Yes: Claims	
	No: Claims	1-11
Industrial applicability (IA)	Yes: Claims	1-13
	No: Claims	

2. Citations and explanations

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IB 03/01160

1. In US 4 309 365 A, there is disclosed a machine structure (evaporate cooler 20), in particular for a machine handling fluid products, comprising:  
a loadbearing frame including uprights 23, and  
one or more covering panels 24,  
the uprights 23 extending in a substantially vertical direction and having an upper end close to or onto which is secured a first substantially horizontal plate 21 for connecting the uprights 23, a second substantially horizontal plate 22 being secured to the same uprights 23 to connect them in a zone beneath the first plate 21 and thus forming a zone for housing the mechanisms of the machine, at least one of the covering panels 24 being removably fitted between two uprights 23 in a covering position to at least partly cover the housing zone laterally, the uprights 23 having longitudinal connection means 233 for restraining said covering panels 24 (column 4, lines 49 - 68; Figs. 1, 12).

The machine structure of claim 1 differs from that of above in that at least one covering panel has a curvature with convexity away from the housing zone. This solves the problem of obtaining sufficient room for the internal equipment of the machine and at the same time preventing a too wide footprint thereof.

However, the problem is also solved by the machine structure according to EP 1 093 842 A by also having curved panels 3 with the same convexity. Applying the solution of EP 1 093 842 to the machine structure of US 4 309 365 to solve the mentioned problem leads to a machine structure according to claim 1, which therefore does not fulfil the requirements of Art. 33(3) PCT.

Furthermore, machine structures with the same features as those of US 4 309 365 are also known from US 3 307 894 and US 4 354 330.

2. The features of dependent claims 2 and 3, 5 and 6 are also known from US 4 309 365, those of claims 7 and 9 from US 4 354 330, those of claim 4 per se from EP 1 093 842.

Claim 10 contains only features which belong to the standard knowledge of a person skilled in the art.

Claim 11 describes bracing ties connecting the uprights. It is common knowledge for a person skilled in the art to provide such ties if the stability of the machine structure is not sufficient without these bracing ties.

Thus, these claims do not fulfil the requirements of Art. 33(3) PCT.

3. In US 4 309 365, there also is disclosed an assembly kit comprising two or more elongated uprights 23, at least two plates 21, 22 connecting the uprights 23, connecting members to secure the plates 21, 22 to the uprights 23 at a predetermined distance, and one or more side covering panels 24 each designed to be restrained between two uprights 23 (column 4, lines 49 - 68; Figs. 1, 12).

The assembly kit of claim 12, whereby the word 'for' in claim 12 does not restrict the kit to a machine according to claim 1 and the claims dependent thereon, does not differ from that of above, Claim 12, therefore, does not fulfil the requirements of Art. 33(2) PCT.

Furthermore, kits with all features of present claim 12 are also known from US 3 307 894 and US 4 354 330.

4. To assemble the machine structure of US 4 309 365, it is necessary to perform the following stages:  
mounting the first upper plate 21 close to one end of each upright 23,  
mounting the second plate 22 on uprights 23 at a predetermined distance from the said end of each upright 23,  
mounting the components of the machine in the housing zone formed between the first 21 and the second 22 plate, and  
mounting the side covering panels 24 each between two adjacent uprights 23 (column 4, lines 49 - 68; Figs. 1, 12).

The process for assembly of a machine according to claim 13, whereby the word 'for' in claim 13 does not restrict the process to a machine according to claim 1 and the claims dependent thereon, does not differ from that of above, Claim 13, therefore, does not fulfil the requirements of Art. 33(2) PCT.

Furthermore, processes for assembly of a machine with all features of present claim 13 are also known from US 3 307 894 A and US 4 354 330 A.

5. Documents US 4 309 365, US 3 307 894, US 4 354 330 and EP 1 093 842 are neither mentioned nor discussed in the description (Rule 5.1 (a) (ii) PCT).

CLAIMS

1. A machine structure, in particular for a machine for handling fluid products, comprising:

-a loadbearing frame including uprights, and

-one or more covering panels,

characterized in that the uprights (12) extend in a substantially vertical direction and have an upper end close to or onto which is secured a first substantially horizontal plate (14) for connecting the uprights (12), a second substantially horizontal plate (15) being secured to the same uprights (12) to connect them in a zone beneath the first plate (14, 15) and thus form a zone for housing the mechanisms of the machine (M), at least one of the covering panels (13, 13a) being removably fitted between two uprights (12) in a covering position to at least partly cover the housing zone laterally, the uprights (12) having longitudinal connection means (22) for restraining said covering panels (13, 13a), at least one covering panel (13, 13a) having a curvature with convexity away from the housing zone.

2. A structure according to claim 1, characterized in that one or both plates (14, 15) have peripheral connection means to at least partly support at least one side panel (13, 13a) in the covering position.

3. A structure according to claim 1, characterized in that it comprises three uprights (12).

4. A structure according to any one of the preceding claims, characterized in that the second plate (15) is secured in a median zone of the uprights (12).

5. A structure according to claim 4, characterized in that

the covering panels (13, 13a) extend vertically over a distance which is substantially equal to the distance between the two plates (14, 15).

6. A structure according to claim 4, characterised in that at least one side panel (13a) extends over a length substantially equal to the height of the upright (12).

7. A structure according to any one of the preceding claims, characterized in that it has a frontal zone (16) for working access to the functions of the mechanisms of the machine (M) housed within the structure.

8. A structure according to claim 7, characterized in that it has a working surface or support (17) provided in the front zone (16), mounted so that it can be drawn out or moved to disappear, or tilted.

9. A structure according to any one of the preceding claims, characterized in that the first upper plate (14) comprises a plurality of shaped openings (27) to house and support components of the machine (M).

10. A structure according to claim 9, characterized in that it comprises a covering member (28, 45) located on the first upper plate (14) to at least partly cover one or more shaped openings (27).

11. A structure according to any one of the preceding claims, characterized in that it comprises bracing ties (30) which connect the uprights (12) together.

12. An assembly kit for constructing a machine structure according to any one of claims 1 to 11, characterised in that

it comprises:

- two or more elongated uprights (12),
- at least two plates (14, 15) connecting the uprights (12), connecting members to secure the plates (14, 15) to the uprights (12) at a predetermined distance, and
- one or more side covering panels (13, 13a) each designed to be restrained between two uprights (12).

13. A process for the assembly of a machine structure according to any one of claims 1 to 11, characterized in that it comprises the stages of:

- mounting the first upper plate (14) close to one end of each upright (12),
- mounting the second plate (15) on uprights 12 at a predetermined distance from the said end of each upright (12),
- mounting the components of machine (M) in the housing zone located between the first (14) and the second (15) plates, and
- mounting the side covering panels (13, 13a) each between two adjacent uprights (12).



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